1946. K **File No.** 0. Multi unit Co-op./46

Legal Dept

A **BRANCH**

Subject.— Opinions under the Multi unit Co-operative Societies Act 1942.

213/E

File No. 0 Multi unit Co-op./46

Gen. 194 a.

477-A

R I.D.R. I. No. 9204 dated 11-11-46.

S.A.S.

The question for R.L.A's consideration is that if a Co-operative Society registered under the Bombay Co-operative Societies Act, 1925, and operating in one District, seeks to extend its business by opening a Branch in a Native State (within the same province,) the provisions of the Multi-unit co-operative Societies Act, 1942, would apply.

Sub-section (3) of section 1 of the Multi-unit Coeoperative Societies Act, 1942, provides that the Act applies --

(a) to all co-operative societies with objects not confined to one province incorporated before the commencement of this Act (i) under the Co-operative Societies Act, 1912, or

(ii) under any Act relating to co-operative societies in force in any province, and

(b) to all co-operative societies with objects not confined to one province to be incorporated after the commencement of this Act.

It is obvious that the Multi-unit Co-operative Societies Act, 1942, would apply to a society which having been registered in one Province seeks to extend its objects in a Province other than that in which it is actually registered. The Surat District Co-operative Bank, Ltd; is no doubt a Society incorporated under the provisions of the Bombay Co-operative Societies Act, 1925, but its objects are confined to a disttict in the Province of Bombay. Since the Dharampur State in which a new Branch of the Society is proposed to be established is not a "province" within the meaning of section 3(43) of the General Clauses Act, 1897, the Act would not apply.

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V.R.K.
7/7/56

It may further be pointed out that under sub-section (2) of section 1, the Act extends to the whole of British India. The expression "British India" as defined in clause (7) of section 3 of the General Clauses Act, 1897, does not include an 'Indian State' (see 'Indian State' defined in section 311(1) of the Govt. of India Act, 1935). Consequently, it is evident that the Act does not extend to the Dharampur State, and, therefore, the question does not appear to survive.

A "The view expressed by the D.S., R.D. in his note dated 7.11.1946 is correct."-A

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Office of the R.L.A.

The view expressed by the Deputy Secretary, Revenue Department, in his note dated 7-11-1946 is correct.v

O.C. Sd/-
20/4/46

Remembrancer of Legal Affairs.

U.R. to R.D., No. 8320, dated the 22nd November 1946.

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